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10 INDEMNITY COMPANY, and WESTCHESTER FIRE
INSURANCE COMPANY

11 [additional counsel listed in signature blocks below]

12
13 **UNITED STATES BANKRUPTCY COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**
16

17 In re:
18 THE ROMAN CATHOLIC ARCHBISHOP
19 OF SAN FRANCISCO,
20 Debtor and
Debtor in Possession.

No. 23-30564
Chapter 11
Hon. Dennis Montali

21
22
23 **APPELLANTS' (i) STATEMENT OF ISSUES ON APPEAL**
24 **AND (ii) DESIGNATION OF RECORD**

25 Pursuant to Bankruptcy Rule 8009(a)(1), appellants Century Indemnity Company
26 (as successor to CCI Insurance Company, as successor to Insurance Company of North America),
27 Pacific Indemnity Company, and Westchester Fire Insurance Company (as successor in interest to
28 Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964), St. Paul

1 Fire and Marine Insurance Company, Travelers Casualty and Surety Company, and Continental
2 Casualty Company (collectively, the “Appellants”) hereby submit their (i) statement of the issues
3 to be presented on appeal from the Bankruptcy Court’s *Docket Text Order*, entered on September
4 2, 2025 granting Debtor’s Motion to Approve Compromise and Stipulation Modifying the
5 Automatic Stay, and the Bankruptcy Court’s *Order Granting Motion to Approve Compromise and*
6 *Stipulation Modifying the Automatic Stay* entered on September 17, 2025 (Dkt. 1346) (collectively, the
7 “Orders”) and (ii) designation of the items to be included in the record on appeal:

8 **I. Statement of Issues on Appeal**

9 Appellants hereby identify the following issues to be presented on appeal from the
10 Orders:

- 11 1. Did the Bankruptcy Court err in entering the Orders?
- 12 2. Did the Bankruptcy Court err in granting *Debtor’s Motion to Approve*
13 *Compromise and Stipulation Modifying the Automatic Stay* (Dkt. 1285, the “Motion”)?
- 14 3. Did the Bankruptcy Court err in lifting the automatic stay of 11 U.S.C. § 362
15 so that five underlying cases may proceed to trial in California state court?
- 16 4. Did the Bankruptcy Court err in finding “cause” to lift the automatic stay of
17 11 U.S.C. § 362?
- 18 5. Did the Bankruptcy Court err in granting the Motion and approving the
19 Stipulation without making sufficient findings of fact in support of such relief?
- 20 6. Did the Bankruptcy Court err in granting the Motion and approving the
21 Stipulation without determining whether the five cases for which the Bankruptcy Court lifted the
22 stay (the “Five Cases”) are representative of the pool of abuse claims against Debtor?
- 23 7. Did the Bankruptcy Court err in granting the Motion and approving the
24 Stipulation where the Stipulation permitted the Committee to cherry-pick the Five Cases to be
25 released for trial in state court, the stipulation potentially violates 11 U.S.C. § 1123(a)(4) requiring
26 that “a plan. . . provide the same treatment for each claim or interest in a particular class,” the
27 Bankruptcy Court declined to condition lifting the automatic stay on Debtors’ insurers controlling
28 the defense of the five released cases despite that, under the stipulation, the insurers (and not

Debtor) potentially bear liability for any resulting judgments, and the stipulation permits roughly 500 claimants to send “demand” letters to Debtor and its insurers?

8. Did the Bankruptcy Court err in granting the Motion and approving the Stipulation where the court relied on evidence that was inadmissible and on testimony submitted via declaration where Appellants had no chance to cross-examine the declarant because the Bankruptcy Court “dropped” the hearing on the Motion, and where the Bankruptcy Court made factual findings that had no basis in the evidentiary record?

9. Did the Bankruptcy Court err in granting the Motion and approving the Stipulation where the court authorized more than 500 claimants to serve “demand letters” on Appellants but where, due to the automatic stay, Appellants have been, and currently are, unable to conduct discovery needed to respond to such demand letters?

Appellants reserve the right to modify, restate, or supplement the foregoing issues to the fullest extent permitted by the Bankruptcy Code and Rules, and hereby incorporate into the foregoing statement any additional issues identified by other appellants appealing from the Orders.

II. Designation of Record

Appellants hereby designate the following items to be included in the record on appeal from the Orders:

Items from Main Bankruptcy Case, No. 23-30564

Designation No.	Filing Date	Docket No.	Description
1	08/21/2023	1	Chapter 11 Voluntary Petition for The Roman Catholic Archbishop of San Francisco.
2	08/21/2023	14	Declaration of Joseph J. Passarello in Support of Chapter 11 Petition and Debtor's Emergency Motions
3	08/21/2023	15	Declaration of Paul E. Gaspari in Support of Chapter 11 Petition and Debtor's Emergency Motions
4	11/21/2023	337	Order: (1) Fixing Time for Filing Proofs of Claim; (2) Approving Proof of Claim Forms; (3) Providing Confidential Protocols; and (4) Approving Form and Manner of Notice

Designation No.	Filing Date	Docket No.	Description
5	02/07/24	453	Order Approving Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue
6	07/16/2024	748	Order Setting Status Conference [<i>re Survivor Statements</i>]
7	07/31/2024	781	Order Granting Application To Schedule A Status Conference With Presentation Of Survivor Statements
8	08/19/24	805	Order Setting Status Conference Re Presentation of Survivor Impact Statements
9	08/28/24	829	Amended Order Granting Application To Schedule A Status Conference With Presentation Of Survivor Statements
10	02/21/2025	1012	The Official Committee of Unsecured Creditors' Motion for an Order Authorizing the Filing of Redacted Documents
11	02/21/2025	1013	Proposed Redacted Document
12	2/21/2025	1014	Proposed Redacted Document
13	02/21/2025	1015	The Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
14	02/21/2025	1016	Relief From Stay Cover Sheet
15	02/21/2025	1017	Request for Judicial Notice in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
16	02/21/2025	1018	Declaration of Jesse Bair in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
17	02/21/2025	1019	Declaration of Vince Finaldi in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
18	02/21/2025	1020	Declaration of Richard Simons in Support of the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-

Designation No.	Filing Date	Docket No.	Description
			Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
19	02/21/2025	1021	Notice of Hearing Regarding the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
20	02/25/2025	1025	Order Granting the Official Committee of Unsecured Creditors' Motion for an Order Authorizing the Filing of Redacted Documents
21	03/13/2025	1081	Certain Insurers' Objection to the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
22	03/13/2025	1083	Debtor's Opposition to the Official Committee of Unsecured Creditors' Motion for an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
23	03/20/2025	1097	The Official Committee of Unsecured Creditors' Reply Brief In Support of an Order Granting Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
24	03/25/2025		DOCKET TEXT ORDER (no separate order issued:) For the March 27, 2025 hearing on the OCC Motion for Relief From Stay, the court will begin with some questions regarding the Coordinated Proceedings, and in particular matters presented to the presiding judge on January 22, 2025, and will pose questions to state court counsel for the Debtor and counsel for the Plaintiffs for the two matters that are the subject of the Motion if they attend the hearing. Then each side will have thirty minutes for argument on the Motion, with counsel for the OCC to argue first and be expected to reserve time for rebuttal and counsel for the Debtor and the Insurers who have joined the opposition to share their thirty minutes as they decide.
25	03/27/2025	1112	PDF with attached Audio File of the March 27, 2025 Hearing
26	04/10/2025	1138	Memorandum Decision on Motion for Relief from Stay

Designation No.	Filing Date	Docket No.	Description
27	04/10/2025	1139	Order Granting in Part Certain Trial-Ready Survivors Relief from the Automatic Stay to Pursue State Court Litigation
28	04/15/2025	1144	Transcript Regarding Hearing Held on March 27, 2025
29	06/24/2025		DOCKET TEXT ORDER (no separate order issued:) For the June 26, 2025 hearing at 1:30 PM, the Motion Extending Stay, etc. (Dkt No. 8 in AP 25-3019) will be called first. Each side will have twenty minutes for oral argument. Debtor will argue first and be expected to reserve a time for rebuttal. Next, there will be a brief status conference in that AP. Finally, the court is concerned about progress as the main Chapter 11 case approaches the end of its second year in bankruptcy. The hearing will thus be a main case Status Conference, and Counsel for Debtor should provide a brief statement regarding what is likely to occur in the coming months, including a best case estimate for when a plan and disclosure statement are likely to be filed. Comments from the OCC or other parties will also be considered. (Montali, Dennis) (Entered: 06/24/2025)
30	08/07/2025	1285	Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
31	08/07/2025	1286	Notice of Hearing on Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
32	08/07/2025	1287	Request to Take Judicial Notice and Supporting Evidence in Support of Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
33	08/07/2025	1288	Declaration of Fr. Patrick Summerhays in Support of Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
34	08/15/2025	1293	The Official Committee of Unsecured Creditors' Joinder to Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
35	08/21/2025	1302	Insurers' Objection to Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay

Designation No.	Filing Date	Docket No.	Description
36	08/21/2025	1303	Interstate Insurers' and Appalachian's Joinder to Insurers' Objection to Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
37	08/26/2025	1305	Notice of Amended Exhibit in Support of Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
38	08/28/2025	1311	Debtor's Omnibus Reply to Objection to Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
39	08/28/2025	1312	Declaration of Paul J. Pascuzzi in Support of Debtor's Omnibus Reply to Objection to Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
40	08/28/2025	1315	The Official Committee of Unsecured Creditor's Reply in Support of the Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
41	8/29/2025	1318	Debtor's Status Conference Statement for September 4, 2025 Status Conference
42	09/02/2025		DOCKET TEXT ORDER (no separate order issued:) Granted The court has considered the Motion To Approve Compromise, etc (Dkt 1285), the Objection and Joinder (Dkts 1302 & 1303) and the Replies by Debtor and the OCC (Dkts 1311 & 1315). It is worthy of note that not a single abuse claimant whose action will remain stayed has objected. The motion is well-taken, easily satisfies the A & C test by considering and weighing the factors, as the court does independently here, and represents a needed, good faith settlement of a bona-fide dispute. The objectors, assuming they even have standing, have shown no meaningful prejudice. The OCC did not unilaterally select the test cases. What other courts have done in similar cases is interesting but not controlling. The demand letters, if they even would be prohibited by the automatic stay, which is far from clear, are to some extent pass-throughs from the debtor as a conduit to the insurers, who cannot be surprised or harmed by them. All other objections are OVERRULED and the matter is DROPPED from the September 4 calendar. The 14-day stay

Designation No.	Filing Date	Docket No.	Description
			is waived. Debtor should serve and upload an appropriate order GRANTING the motion for the reasons stated in it and in this docket text order. (RE: related document(s)1285 Motion to Approve Document filed by Debtor The Roman Catholic Archbishop of San Francisco)
43	09/04/2025	1321	The Official Committee of Unsecured Creditors' Status Conference Statement for September 4, 2025, Status Conference
44	09/04/25	1322	PDF with attached Audio File of the September 4, 2025 Hearing
45	09/15/2025	1331	Notice of Fully Executed Stipulation by and Among the Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors and The Survivor Defendants
46	09/16/2025	1341	Notice of Appeal filed by Century Indemnity Company, Pacific Indemnity Company, and Westchester Fire Insurance Company
47	09/16/2025	1342	Insurers' Motion to Stay Pending Appeal filed by Century Indemnity Company, Pacific Indemnity Company, and Westchester Fire Insurance Company
48	09/16/2025	1343	Notice of Appeal filed by Chicago Insurance Company, Fireman's Fund Insurance Company, Westport Insurance Corporation f/k/a Employers Reinsurance Corporation, and Appalachian Insurance Company
49	09/16/2025	1344	Notice of Appeal filed by Certain Underwriters at Lloyd's, London and Certain London Market Companies
50	09/17/2025	1345	Transcript Regarding Hearing Held September 4, 2025
51	09/17/2025	1346	Order Granting Debtor's Motion to Approve Compromise and Stipulation Modifying the Automatic Stay
52	09/17/2025		DOCKET TEXT ORDER (no separate order issued:) Certain insurers filed a Motion For Stay Pending Appeal (Dkt 1342) on September 16, 2005. Debtor should, and the Official Committee of Unsecured Creditors may, file any opposition to that Motion no later than September 30, 2025 . No reply should be filed. The court will consider the matter and issue

Designation No.	Filing Date	Docket No.	Description
			an order or set the matter for hearing, as it deems appropriate
53	09/22/2025	1349	Service of Notice of Appeal
54	09/22/2025	1352	Service of Notice of Appeal
55	09/22/2025	1354	Service of Notice of Appeal
56	9/30/2025	1363	The Official Committee of Unsecured Creditors' Opposition to Insurers' Motion for Stay Pending Appeal
57	9/30/2025	1368	Debtor's Opposition to Insurers' Motion for Stay Pending Appeal

Items from the Adversary Proceeding No. 25-03019

Designation No.	Filing Date	Docket No.	Description
1	04/28/2025	1	Complaint Seeking Declaratory And Injunctive Relief Under Bankruptcy Code Sections 105(a) And 362 That The Automatic Stay Extends To All State Court Cases In Which Debtor Is Named As A Defendant And As To All Cases In Which A Non-Debtor Affiliate Is Named As A Defendant
2	05/29/2025	7	Stipulation Permitting The Official Committee of Unsecured Creditors to Intervene
3	05/29/2025	8	Motion for Order Extending Stay To All State Court Cases In Which Debtor and/or Non-Debtor Affiliates Are Named As Defendants Under Bankruptcy Code Sections 105(a) And 362
4	05/29/2025	9	Notice of Hearing on Motion for Order Extending Stay To All State Court Cases In Which Debtor and/or Non-Debtor Affiliates Are Named As Defendants Under Bankruptcy Code Sections 105(a) And 362
5	05/30/2025	11	Order Approving Stipulation Permitting the Official Committee of Unsecured Creditors to Intervene
6	06/12/2025	13	The Official Committee of Unsecured Creditors' Opposition to the Debtor's Motion for an Extension of the Automatic Stay to All State

Designation No.	Filing Date	Docket No.	Description
			Court Cases in Which the Debtor and Non-Debtor Affiliates are named as Defendants Under Bankruptcy Code Sections 362 and 105(a)
7	06/12/2025	14	Declaration of Jesse J. Bair in Support of the Committee's Opposition to the Debtor's Motion for an Extension of the Automatic Stay to All State Court Cases in Which the Debtor and Non-Debtor Affiliates are named as Defendants Under Bankruptcy Code Sections 362 and 105(a)
8	06/12/2025	15	Request for Judicial Notice in Support of the Official Committee of Unsecured Creditors' Opposition to the Debtor's Motion for an Extension of the Automatic Stay
9	06/13/2025	17	Stipulation Staying State Court Litigation Against High School Defendants
10	06/19/2025	18	Reply in Support of Motion for Order Extending Stay to All State Court Cases in Which Debtor and/or Non-Debtor Affiliates are named as Defendants Under Bankruptcy Code Sections 105(a) and 362
11	06/20/2025	19	Order Approving Stipulation Staying State Court Litigation Against High School Defendants
12	08/07/2025	21	Stipulation By and Among The Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors, and The Survivor Defendants
13	08/26/2025	22	Notice of Amended Exhibit B to Stipulation By and Among The Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors, and The Survivor Defendant
14	09/04/2025	23	PDF with attached Audio File of the September 4, 2025 Hearing
15	09/15/2025	25	Notice of Fully Executed Stipulation By and Among The Roman Catholic Archbishop of San Francisco, The Official Committee of Unsecured Creditors, and The Survivor Defendants
16	09/17/2025	26	Transcript Regarding Hearing Held September 4, 2025
17	09/17/2025	27	Stipulated Order Granting Preliminary Injunction and Granting Relief from Stay

The foregoing Designation of Record on Appeal is without waiver of any arguments on appeal. Appellants reserve the right to modify, restate, or supplement the

1 foregoing designations to the fullest extent permitted by the Bankruptcy Code and Rules.

2 Appellants hereby incorporate into the foregoing designations additional docket items identified
3 by other appellants appealing from the Orders.

4 **Certification Pursuant to Bankruptcy Rule 8009(b)**

5 Appellants respectfully certify that they are not ordering any transcripts, as the
6 relevant transcripts have been transcribed and docketed.

7 Dated: September 30, 2025

8 By: /s/Mark D. Plevin

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